

COUNTY OF YORK

MEMORANDUM

DATE: January 4, 2000 (BOS Mtg. 1/16/01)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator

SUBJECT: Yorktown Village Activity District Accessory Structure Approval – Marsha A. Brown, 213 Nelson Street

Issue

The applicant, Ms. Marsha A. Brown, has submitted a Building Permit Application for reconstruction and enlargement of an accessory detached garage on property located at 213 Nelson Street in Yorktown. Pursuant to Section 24.1-327 (b)(3) of the Zoning Ordinance, proposed enlargements of any use representing less than a 25% increase in floor area or lot coverage may be approved by the Board of Supervisors by resolution and without public hearing.

Considerations

1. The applicant's proposal involves the demolition of an existing single-car garage and construction of a new two-car garage. The existing foundation (12-foot wide concrete slab) is proposed to be reused and expanded toward the interior of the lot to accommodate the increased width (24 feet). The proposed expansion will add 306 square feet of floor area, which represents an increase in lot coverage of less than 3% (well below the 25% limit), thus making the request eligible for Board approval without public hearing.
2. The garage will be located at the rear corner of the applicant's lot and the existing side yard setbacks are proposed to be maintained. At its front corner, the existing garage is located 4.12 feet from the side lot line, rather than the normally required five (5) feet. However, the terms of Section 24.1-327 (b)(5) of the Zoning Ordinance provide that the Board may approve alternate setbacks that it deems necessary and appropriate. In this particular case, staff believes that it would be reasonable to allow continuation of the existing setback so that the garage can be constructed on the existing concrete slab.
3. The proposed garage is a traditional design with horizontal lap siding. The existing residence has aluminum siding while the proposed garage will be sided with a composite material that has the appearance of wood. The garage design is consistent and compatible with the character of the existing residence on the property as well as those that are adjacent.
4. It should be noted that the driveway serving the existing garage encroaches slightly on the adjacent lot (Lot #58) at the Nelson Street frontage. The applicant proposes to continue using this existing driveway. The applicant and the adjacent property owner have an unwritten "understanding" concerning the encroachment and the adjacent

property owner has no objections to the proposed garage expansion (see attached letter dated January 2, 2001). There is sufficient room to relocate the driveway entirely onto the applicant's property should that ever become necessary.

5. On a general note, this request calls attention to what may be an unintended effect of the YVA amendments adopted in December 1999. At that time, the Board adopted a text amendment to require that any new single family detached construction (including accessory structures) be reviewed and approved by the Board of Supervisors after review and recommendation by the Planning Commission. Prior to that amendment, new single family detached construction (including accessory structures) and expansion of single family detached construction was subject to approval by the Zoning Administrator. Staff does not recall that any significant attention was given during the amendment preparation and discussion to the issue of new or expanded accessory structures associated with single family detached residences. I bring this to your attention not necessarily to suggest a change but simply to note the processing time required (for the applicant, the staff and the Board) when the Board must act on every request for construction or expansion of any residential accessory structure. If this is something of concern to the Board, the staff stands ready to develop a discussion paper and alternatives for consideration.

Recommendation

I recommend that the applicant's request be approved though the adoption of proposed Resolution No. R01-06.

Carter/3337:jmc

Attachments

- Plat of property and rendering of proposed garage
- Vicinity Map
- Letter from adjacent property owner
- Proposed Resolution No. R01-06